

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 13, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 5, line 14, delete "continuing".
- 2 Page 5, line 31, delete "If a person sentenced to death, at any time
- 3 after the" and insert "**A person who has been sentenced to death and**
- 4 **who has completed state post-conviction review proceedings may**
- 5 **file a written petition with the supreme court seeking to present**
- 6 **new evidence challenging the person's guilt or the appropriateness**
- 7 **of the death sentence if the person serves notice on the attorney**
- 8 **general. The supreme court shall determine, with or without a**
- 9 **hearing, whether the person has presented previously undiscovered**
- 10 **evidence that undermines confidence in the conviction or the death**
- 11 **sentence. If necessary, the supreme court may remand the case to**
- 12 **the trial court for an evidentiary hearing to consider the new**
- 13 **evidence and its effect on the person's conviction and death**
- 14 **sentence. The supreme court may not make a determination in the**
- 15 **person's favor nor make a decision to remand the case to the trial**

1 **court for an evidentiary hearing without first providing the**
2 **attorney general with an opportunity to be heard on the matter.".**

3 Page 5, delete lines 32 through 42.
 (Reference is to SB 13 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Bray

Chairperson